IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

craigslist, Inc. Plaintiff, vs. Henry D. McMaster, in his official capacity as the Attorney General of the State of South Carolina; David Pascoe; Barbara R. Morgan; C. Kelly Jackson; Jay E. Hodge, Jr.; W. Barney Giese; Douglas A. Barfield, Jr.; Trey Gowdy, III; Jerry W. Peace; Scarlett Wilson; Christina T. Adams; Donald V. Myers; Edgar L. Clements, III; Robert M. Ariail; I. McDuffie Stone, III; Gregory Hembree; and Kevin S. Brackett, in their official capacities as South Carolina Circuit Solicitors, Defendants.	Civil Action No. 2:09-cv-01308-CWH MOTION TO DISMISS OF DEFENDANTS ATTORNEY GENERAL AND SOLICITORS

The Defendants Attorney General and the sixteen Circuit Solicitors[1] hereby move for dismissal of the Complaint herein pursuant to Rule 12(b)(6), FRCP, in that, for the following reasons, Plaintiff has failed to state a claim upon which relief can be granted:

1. The Court should abstain from interceding in this matter under the Younger and Burford doctrines. Younger v. Harris, 401 U.S. 37 (1971); Burford v. Sun Oil Co., 319 U.S. 315 (1943).

2. Section 230 of the Communications Decency Act (47 U.S.C.A. § 230) does not give

[1]J. Strom Thurmond was elected as Solicitor for the Second Judicial Circuit upon the retirement of Barbara Morgan, and William B. Rogers, Jr., was elected as Solicitor for the Fourth Judicial Circuit upon the retirement of Jay E. Hodge, Jr.

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Plaintiff immunity from prosecution for aiding and abetting prostitution in violation of South Carolina criminal law.

3. The Complaint fails to state a claim for a violation of the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. §1983.

4. The Complaint fails to state a claim for a violation of the Commerce Clause of the United States Constitution.

5. Plaintiff has failed to state a claim upon which relief can be granted.

Respectfully submitted,

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